

Office of the Court Monitor

Monitoring Matrix and Methodology on Civilian Complaints, Internal Investigations, and Discipline

Para.	Agreement Paragraph Text	Data Sources and Evaluation Methods	Compliance Targets/Thresholds	Monitoring Frequency	Staffing or IST
159	PRPD shall ensure that all allegations of officer misconduct are received and are fully and fairly investigated; that all investigative findings are supported by a preponderance of the evidence; and that all officers who commit misconduct are held accountable pursuant to a disciplinary system that is fair and consistent. PRPD shall develop policies and practices for the intake, investigation, and adjudication of misconduct complaints against PRPD officers. These policies and practices shall comply with applicable law and comport with generally accepted policing practices, and shall include the requirements set out below.	Compliance will be determined on two separate, but inter-dependent bases: (1) the implementation of Paragraphs 160-204, and (2) the results of outcome assessments, pursuant to Paragraph 243.		Bi-Annually	

Para.	Agreement Paragraph Text	Data Sources and Evaluation Methods	Compliance Targets/Thresholds	Monitoring Frequency	Staffing or IST
A. <u>Civilian Complaints</u>					
160	PRPD will develop and implement a program to inform persons that they may make complaints regarding the performance of any officer.	<p>1. Content analysis of policies related to the civilian complaint program to determine whether they incorporate the requirements of Paragraphs 160-162.</p> <p>2. Content analysis of training on the civilian complaint program to evaluate quality and content in accordance with approved policies.</p> <p>3. Document review at least every six months to determine whether relevant PRPB personnel are trained and certified. Review a random sample* of PRPB personnel files to determine whether certifications validate training records.</p> <p>4. Document review and structured interview of PRPB personnel responsible for implementing a public outreach program (e.g., Press Office) to determine there exists a program that meets the requirements of Paragraphs 160-162.</p>	<p>1. Policies incorporate all of the requirements of Paragraphs 160-162.</p> <p>2. Civilian complaint program trainings are consistent with approved policies.</p> <p>3. 95% of sampled press, office and SARP personnel are trained and certified in all policies related to the civilian complaint program (or scheduled for training, in the case of mid-year reviews).</p> <p>4. PRPB has developed and implements a program to inform persons that they may make complaints regarding the performance of any officer. See Administrative Investigations Worksheet #1.</p>	Annually as to Data Sources #1 and #2. Bi-Annually as to all other Data Sources.	

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161	Pre-printed complaint forms shall not include any language that can be construed as discouraging civilians from submitting complaints, including warnings regarding potential criminal prosecution for false or untrue complaints. PRPD shall require all officers to carry complaint forms in their official vehicles at all times or on their person, if feasible.	Note: Policies and Trainings will be assessed with Paragraph 160. 1. Content analysis of complaint forms to determine whether the content complies with this paragraph.	1. Content of complaint forms is consistent with civilian complaint program policies.	Bi-Annually.	
162	PRPD shall make complaint forms and informational materials, including brochures and posters, available at all police facilities and on the PRPD website. Information shall be posted in Spanish and English. PRPD shall post and maintain a permanent placard describing the external complaint process at appropriate government buildings where public services are provided. The placard shall include relevant contact information, such as telephone numbers, email addresses, and	Policies and Trainings will be assessed with Paragraph 160. 1. Content analysis of complaint forms and informational materials to determine whether the content complies with this paragraph. 2. Website review and site visits to a random selection* of PRPB facilities and patrol vehicles at least every six months to inspect/verify availability of complaint forms and informational materials as required by policy.	1. Content of complaint forms and informational materials is consistent with civilian complaint program policies. 2. The PRPB website and 95% of PRPB facilities and patrol vehicles have required civilian complaint materials.	Annually as to Data Sources #1 and #3. Bi-Annually as to all other Data Sources.	

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	websites. PRPD shall also post and maintain a placard explaining an individual's right to be free from involuntary searches and seizures and thus to decline consent to voluntary searches.	3. Document review and site visits to a random selection* of all PRPD and Department of Public Safety (DPS) buildings, plus eleven regional judicial centers across the Island to determine whether they display the placards described in Paragraph 162.	3. Placards as described in Par. 162 are displayed in 95% of all PRPD and DPS buildings, plus eleven regional judicial centers across the Island.		
B. Internal Investigations					
163	PRPD shall require that all officers and employees report misconduct, including apparent, alleged, or perceived misconduct, by another PRPD officer or employee to a supervisor or directly to SPR for review and investigation. Where apparent misconduct is reported to a supervisor, the supervisor shall immediately document and report this information to SPR. Failure to report or document apparent or alleged misconduct or criminal behavior shall be grounds for discipline, up to and including termination of employment. The presumptive discipline for a failure to report apparent or alleged misconduct or criminal	<p>Note: Implementation of the portion of this Paragraph regarding discipline will be assessed with Paragraphs 177 (Data Source #4), 198, and 199.</p> <p>1. Content analysis of policies related to reporting and documenting alleged misconduct to determine whether they incorporate the requirements of the paragraph.</p> <p>2. Content analysis of training on internal reporting of misconduct and investigations to evaluate quality and content in accordance with approved policies.</p> <p>3. Document review at least every six months to determine whether</p>	<p>1. Policies incorporate all the requirements of the paragraph.</p> <p>2. Training on internal reporting of misconduct and investigations is consistent with approved policies.</p> <p>3. 95% of sampled personnel are trained and certified in</p>	Annually as to Data Sources #1 and #2. Bi-Annually as to all other Data Sources.	

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	behavior shall be commensurate to the presumptive discipline for the underlying apparent or alleged conduct not reported.	<p>PRPB personnel are trained and certified. Review a random sample* of PRPB personnel files to determine whether certifications validate training records.</p> <p>4. Document review of communications of complaints from PRPB personnel to supervisors or SARP from a random sample* of PRPB units to determine whether reports of alleged or perceived misconduct are reviewed and investigated, as appropriate.</p>	<p>relevant policies related to reporting and internal investigations (or scheduled for training, in the case of mid-year reviews).</p> <p>4. All reports of alleged or perceived misconduct are reviewed and investigated, as appropriate, by supervisors or SARP.</p>		
164	PRPD shall develop protocols requiring supervisors to investigate and take appropriate disciplinary or non-punitive corrective action when the supervisor becomes aware of minor misconduct or policy infractions by an officer that do not merit an SPR notification. The incident of misconduct and the supervisor's response shall be reported to SPR within five business days for SPR's review. Where the officer	<p>1. Content analysis of policies related to supervisory review of minor policy violations to determine whether they incorporate the requirements of Paragraphs 164 and 165.</p> <p>2. Content analysis of training on supervisory review of minor policy violations to evaluate quality and content in accordance with approved policies.</p>	<p>1. Policies incorporate all the requirements of Paragraphs 164 and 165.</p> <p>2. Training on supervisory review of minor policy violations is consistent with approved policies.</p>	Annually as to Data Sources #1 and #2. Bi-Annually as to all other Data Sources.	

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	disputes the misconduct allegation, the allegation shall be referred to SPR for investigation.	<p>3. Document review at least every six months to determine whether PRPB supervisors are trained and certified. Review a random sample* of PRPB personnel files to determine whether certifications validate training records.</p> <p>4. Document review of a random sample* of supervisory reviews and investigations to determine whether supervisors' reviews and responses comply with approved policies.</p> <p>5. Document review of a random sample* of supervisory reviews and investigations to determine whether unit commanders evaluate and provide oversight and identify needs, as appropriate, in accordance with Paragraphs 164 and 165.</p> <p>6. Document review of a random sample* of supervisory reviews and investigations to determine whether they are sent to SARP for further assessment and retention</p>	<p>3. 95% of sampled supervisors are trained and certified in policies related to supervisory review of minor policy violations (or scheduled for training, in the case of mid-year reviews).</p> <p>4. 95% of selected supervisory reviews and responses comply with approved policies.</p> <p>5. 95% of selected supervisory reviews and investigations are reviewed and evaluated by unit commanders and the commanders identify needs, as appropriate, in accordance with Paragraphs 164 and 165.</p> <p>6. 95% of selected supervisory reviews and investigations are sent to SARP and assessed</p>		

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		as required by approved policies and Paragraphs 165 and 189.	according to approved policies.		
165	The results of unit investigations, be they minor misconduct allegations, policy infractions, or SPR referrals, shall each be referred to and evaluated by unit commanders for underlying problems including supervisory, training, or other deficiencies. Unit evaluations shall be sent to SPR for further assessment of trends and potential deficiencies in tactics or training, among other considerations.	This Paragraph will be assessed with Paragraph 164.			
C. <u>Complaint Intake, Classification, Assignment, and Tracking</u>					
166	PRPD shall train all officers in how to properly handle complaint intake.	<p>1. Content analysis of policies related to complaint intake, classification, assignment, and tracking to determine they incorporate the requirements of Paragraphs 166-176.</p> <p>2. Content analysis of training on complaint intake, classification, assignment, and tracking to evaluate quality and content in</p>	<p>1. Policies incorporate all the requirements of Paragraphs 166-176.</p> <p>2. Complaint intake, classification, assignment, and tracking trainings are consistent with approved policies.</p>	Annually as to Data Sources #1 and #2. Bi-Annually as to all other Data Sources.	

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		<p>accordance with approved policies.</p> <p>3. Document review at least every six months to determine whether all PRPB officers are trained and certified. Review a random sample* of PRPB personnel files to determine whether certifications validate training records.</p>	<p>3. 95% of sampled officers are trained and certified in relevant policies related to complaint intake, classification, assignment, and tracking (or scheduled for training, in the case of mid-year reviews).</p>		
167	The refusal to accept a misconduct complaint, discouraging the filing of a misconduct complaint, or providing false or misleading information about filing a misconduct complaint, shall be grounds for discipline.	<p>Note: Policies and trainings will be assessed as part of Paragraph 166.</p> <p>Note: Implementation will be assessed with Paragraphs 177 (Data Source #4), 198 and 199.</p>			
168	PRPD shall accept all misconduct complaints, including anonymous and third-party complaints, for review and investigation. Complaints may be made in writing or verbally, in person or by mail, telephone (or TDD), facsimile, electronic mail, or any other appropriate electronic means.	<p>Note: Policies and trainings will be assessed as part of Paragraph 166.</p> <p>1. Document review of complaint referrals and reports sent to SARP to determine whether the complaints are accepted, reviewed, and investigated in accordance with approved policies.</p>	<p>1. PRPB accepts, reviews, and investigates complaints, as appropriate, in accordance with approved policies.</p>	Bi-Annually	

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169	PRPD will establish a protocol that provides procedures to be followed when an individual objects to an officer's conduct. The protocol shall provide that, absent exceptional circumstances, the officer will inform the individual of his or her right to make a complaint and shall provide the complaint form and the officer's name and identification number. If the individual indicates that he or she would like to make a complaint on the scene, the officer shall immediately inform his or her supervisor, who shall immediately respond to the scene and initiate the complaint process. In the absence of the officer's immediate supervisor, any supervisor may respond to the scene. All misconduct complaints received outside of SPR shall be forwarded to SPR before the end of the shift in which they were received.	<p>Note: Policies and trainings will be assessed as part of Paragraph 166.</p> <ol style="list-style-type: none"> 1. Content analysis of SARP investigation files for a random sample* of complaints forwarded to SARP from other PRPB units to determine whether intake protocols were followed. 2. Document review of a random sample* of complaints received by officers in the field to determine compliance with approved policies. 	<ol style="list-style-type: none"> 1. Intake protocol was followed in 95% of sampled investigations. 2. Intake protocol was followed in 95% of sampled complaints received by officers in the field. 	Bi-Annually	
170	PRPD shall develop a system to ensure that allegations of officer misconduct made during	Note: Policies and trainings will be assessed as part of Paragraph 166.		Bi-Annually	

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	criminal prosecutions or civil lawsuits are identified and assessed for further investigation. Any decision to decline an investigation shall be documented.	<p>Note: Implementation will be assessed, in part, with Paragraph 158.</p> <p>1. Structured interview with relevant PRPB personnel and document review of SARP files to determine whether PRPB has a system to identify and assess civil lawsuits and criminal proceedings filed involving allegations of officer misconduct.</p> <p>2. Document review of a random sample* of civil lawsuits and criminal prosecutions filed involving PRPB personnel to determine whether SARP reviewed and assessed the need for investigation by PRPB.</p>	<p>1. PRPB has a system to identify and assess civil lawsuits and criminal proceedings filed involving allegations of officer misconduct. See Administrative Investigations Worksheet #3.</p> <p>2a. SARP reviews all allegations involving PRPB personnel to assess the need to investigation by PRPB.</p> <p>2b. 95% of such SARP reviews are documented in accordance with approved policies.</p>		
171	SPR shall maintain a centralized numbering and tracking system for all misconduct complaints. Upon the receipt of a complaint, SPR shall promptly assign a unique numerical identifier to the complaint, which shall be	<p>Note: Policies and trainings will be assessed as part of Paragraph 166.</p> <p>Note: Implementation will be assessed, in part, with Paragraph 178.</p>	<p>1. SARP administers a centralized numbering and tracking system for all misconduct complaints.</p>	Bi-Annually	IST

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	provided to the complainant as soon as practicable.	1. Document review of SARP complaint numbering and tracking system to determine compliance with policy.			
172	Where a supervisor receives a misconduct complaint in the field alleging that misconduct has occurred, other than those incidents covered by Paragraph 44 of this Agreement, the supervisor shall gather all relevant information and evidence and provide these to SPR. All complaints should be referred to SPR by the end of tour of duty, absent exceptional circumstances.	<p>Note: Policies and trainings will be assessed as part of Paragraph 166.</p> <p>Note: Implementation will be assessed, in part, with Paragraph 136, Data Sources #6 and #7.</p> <p>1. Document review of a random sample* of complaints received/compiled in the field and forwarded to SARP from other PRPB units to determine compliance with policy.</p>	<p>1a. 95% of sampled complaints were forwarded to SARP by the end of the relevant tour of duty or articulated exceptional circumstances.</p> <p>1b. 95% of sampled complaints document what information and evidence is collected by the PRPB supervisor.</p>	Bi-Annually	
173	Within five business days of the receipt of a misconduct complaint, SPR shall determine whether the complaint will be assigned to a supervisor for a Supervisory Investigation, retained by SPR for investigation, and whether it will be investigated criminally by PRPD, PRDOJ, or both.	<p>Note: Policies and trainings will be assessed as part of Paragraph 166.</p> <p>1. Document review of a random sample* of SARP investigation files to determine whether complaints were assigned in accordance with approved policies.</p>	1. 95% of sampled SARP investigation files are assigned for investigation in accordance with approved policies.	Bi-Annually	

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174	PRPD shall develop a complaint classification protocol that is allegation-based rather than outcome-based to guide SPR in determining where a complaint should be assigned.	Note: Policies and trainings will be assessed as part of Paragraph 166. 1. Document review of a random sample* of SARP investigation files to determine whether the complaint classification protocol is implemented.	1. SARP classifies complaints in accordance with policy.	Bi-Annually	
175	A misconduct complaint investigation may not be conducted by any supervisor who used force during the incident; whose conduct led to the injury to a person; who authorized the conduct that led to the reported incident or complaint; who was on the scene at the time of the incident leading to the allegation of misconduct; or by any officer or supervisor who has a conflict of interest as defined by PRPD policy.	Note: Policies and trainings will be assessed as part of Paragraph 166. 1. Document review of a random sample* of SARP investigation files to determine whether supervisors were excluded from the investigation process in accordance with approved policies.	1. All misconduct complaint investigations are conducted by persons not prohibited from doing so, as required by the Paragraph,	Bi-Annually	
176	PRPD's centralized numbering and tracking system shall maintain accurate and reliable data regarding the number, nature, and status of all misconduct complaints, from initial intake to final	Note: Policies and trainings will be assessed as part of Paragraph 166. 1. Document review and audits of SARP's record management system to determine whether	1. SARP's record management system maintains accurate and	Bi-Annually	IST

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	disposition, including investigation timeliness and notification to the complainant of the interim status and final disposition of the investigation. This system shall be used for periodic assessment of compliance with PRPD policies and procedures and this Agreement.	complaint data is accurate and reliable.	reliable data for operational and internal compliance purposes.		
D. Investigation of Complaints					
177	PRPD shall ensure that policies and procedures regarding the investigation of complaints clearly establish that complaints are adjudicated on the basis of the preponderance of the evidence. This standard should be clearly delineated in policies and procedures and accompanied by extensive examples to ensure proper application by investigators.	<p>1. Content analysis of policies related to investigation of complaints to determine they incorporate the requirements of Paragraphs 177-193.</p> <p>2. Content analysis of training on investigation of complaints against PRPB personnel to evaluate quality and content in accordance with approved policies.</p> <p>3. Document review at least every six months to determine whether PRPB investigative personnel are trained and certified. Review a random sample* of PRPB personnel files to determine</p>	<p>1. Policies incorporate all the requirements of Paragraphs 177-193.</p> <p>2. Investigation of complaints trainings are consistent with approved policies.</p> <p>3. 95% of sampled personnel are trained and certified in relevant policies related to investigation of complaints (or scheduled for training, in the case of mid-year reviews).</p>	Annually as to Data Sources #1 and #2. Bi-Annually as to all other Data Sources.	

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		<p>whether certifications validate training records.</p> <p>4. Document review of a random sample* of SARP investigation files - which will include but is not limited to (i) investigations into alleged retaliation for participating in an investigation of misconduct, and (ii) investigations closed administratively or resolved informally, among other investigations - to determine the standard of proof used.</p>	4. 100% of sampled investigation files were adjudicated using a preponderance of the evidence standard.		
178	<p>PRPD shall investigate all misconduct complaints and document the investigation and its findings and conclusions in writing. PRPD shall develop and implement a policy that specifies those complaints that may be resolved via administrative closing or informal resolution. Administrative closing shall be used for minor policy violations that do not constitute a pattern of misconduct, duplicate allegations, or allegations that even if true would not</p>	<p>Note: Policies and trainings will be assessed as part of Paragraph 177.</p> <p>1. Document review of a random sample* of misconduct complaints and related data and/or dashboards to determine whether the investigations were documented and resolved in accordance with approved policies.</p>	1. 95% of sampled complaints are investigated, documented, and resolved, and relevant PRPB personnel were so advised, in accordance with approved policies.	Bi-Annually	

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	constitute misconduct, among others.				
179	PRPD shall ensure that all administrative investigations conducted by SPR shall be completed within 90 days of the receipt of the complaint, including assignment, investigation, review, and final approval. The SPR commander is authorized to grant additional 30 day extensions, for up to 90 additional days in the aggregate, for justifiable circumstances, which shall be documented in writing. For purposes of these extensions, workload shall not constitute justification for extensions. Where an allegation is sustained, PRPD shall have 30 days to determine and notify the officer of the appropriate discipline. The appropriate discipline shall be imposed as soon as practicable, consistent with PRPD's disciplinary procedures. All administrative investigations shall be subject to appropriate tolling periods as necessary to conduct a parallel	<p>Note: Policies and trainings will be assessed as part of Paragraph 177.</p> <p>1. Document review of a random sample* of SARP investigation files and related data and/or dashboards to determine chronology and compliance with investigative and adjudicatory timeframes in accordance with approved policies.</p> <p>2. Document review of SARP investigations that were not completed within prescribed timeframes, and related data and/or dashboards, to determine whether extensions were approved and justified in accordance with approved policies.</p>	<p>1a. 95% of sampled investigations were adjudicated and notified within authorized timeframes in accordance with approved policies.</p> <p>1b. 95% of disciplinary actions were imposed within authorized timeframes in accordance with approved policies.</p> <p>2. 95% of SARP investigations that were not completed within prescribed timeframes have justified extension approvals as required by approved policies.</p>	Bi-Annually	

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	criminal investigation or as provided by law.				
180	PRPD shall ensure that investigations of officer misconduct are thorough and the findings are consistent with the facts.	<p>Note: Policies and trainings will be assessed as part of Paragraph 177.</p> <p>1. Document review and content analysis of a random sample* of SARP investigations to determine whether the investigations are thorough and findings are consistent with the facts.</p>	<p>1. 95% of selected investigations are thorough and findings are consistent with the facts. <i>See</i> Administrative Investigations Worksheet #4.</p>	Bi-Annually	
181	PRPD shall require officers to cooperate with administrative investigations, including appearing for an interview when requested by a PRPD or Commonwealth investigator and providing all requested documents and evidence. Supervisors shall be notified when an officer under their supervision is summoned as part of an administrative investigation and shall facilitate the officer's appearance, unless such notification would compromise the integrity of the investigation.	<p>Note: Policies and trainings will be assessed as part of Paragraph 177.</p> <p>1. Document review of a random sample* of SARP investigations and related data and/or dashboards to determine compliance with this Paragraph.</p> <p>2. Interviews with SARP investigators and their directors to determine level of cooperation by PRPB officers and supervisors with SARP investigations.</p>	<p>1. Officers cooperate and supervisors are notified about SARP summons, as required by approved policies, in 95% of selected investigations.</p> <p>2. SARP personnel indicate that the level of cooperation of officers and supervisors with SARP investigations is acceptable in accordance with generally accepted practices.</p>	Bi-Annually	

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182	The subject officer of an administrative investigation shall not be compelled to provide a statement to administrative investigators where there is a potential criminal investigation or prosecution of the officer until the remainder of the investigation has been completed, and after the administrative investigators have consulted with the prosecutor's office and the SPR commander, except where the taking of such a statement is authorized by the Superintendent after consulting with the prosecutor's office.	Note: Policies and trainings will be assessed as part of Paragraph 177. 1. Document review of a random sample* of SARP investigation files to determine whether compelled statements are handled in accordance with this Paragraph.	1. Compelled statements are taken in accordance with approved policies and officers' constitutional rights.	Bi-Annually	
183	Where there is no potential criminal investigation or prosecution of the subject officer, SPR investigators shall not warn the subject officer that he or she has a right not to provide a statement that may be self-incriminating.	Note: Policies and trainings will be assessed as part of Paragraph 177. 1. Document review of a random sample* of SARP investigation files to determine whether compelled statements are handled in accordance with this Paragraph.	1. Subject officers are not given Miranda warnings where there is no potential for criminal investigation or prosecution.	Bi-Annually	

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184	If at any time during complaint intake or investigation the investigator determines that there may have been criminal conduct on the part of any officer or employee, the investigator shall immediately notify the SPR commander. The SPR commander shall immediately notify the Superintendent and shall consult with the prosecutor's office regarding the initiation of a criminal investigation. Where an allegation is investigated criminally, SPR shall continue with the administrative investigation of the allegation, except that it may delay or decline to conduct an interview of the subject officer(s) or other witnesses until completion of the criminal investigation unless, after consultation with the prosecutor's office and PRPD Superintendent, such interviews are deemed appropriate.	<p>Note: Policies and trainings will be assessed as part of Paragraph 177.</p> <p>1. Document review of a random sample* of SARP investigation files to determine compliance with this Paragraph.</p>	<p>1a. Investigators notify SARP and SARP consults with prosecutors in accordance with approved policies when an investigator determines that there may have been criminal conduct on the part of any officer or employee.</p> <p>1b. Administrative investigations continue when a parallel criminal investigation is also ongoing in accordance with approved policies.</p>	Bi-Annually	
185	PRPD, PRDOJ, and the prosecutor's office shall develop protocols to ensure that	Note: Policies and trainings will be assessed as part of Paragraph 177.		Bi-Annually	

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	the criminal and administrative investigations are kept appropriately separate after a subject officer has provided a compelled statement. Nothing in this Agreement or PRPD policy shall hamper an officer's obligation to provide a public safety statement regarding a work related incident or activity.	1. Document review of a random sample* of SARP investigation files to determine whether parallel investigations are handled in accordance with this Paragraph.	1. Administrative and criminal investigations are conducted separately as required by approved policies after a subject officer has provided a compelled statement.		
186	In each investigation, PRPD shall consider all relevant evidence, including circumstantial, direct, and physical evidence. There will be no automatic preference for an officer's statement over a non-officer's statement, nor will PRPD disregard a witness' statement merely because the witness has some connection to the complainant or because of any criminal history. PRPD shall make efforts to resolve material inconsistencies between witness statements.	Note: Policies and trainings will be assessed as part of Paragraph 177. 1. Content analysis of a random sample* of SARP investigations to determine whether they comply with this Paragraph.	1. 95% of sampled investigations considered all relevant evidence in a manner consistent with this Paragraph, and tried to resolve material inconsistencies between witness statements.	Bi-Annually	
187	A misconduct investigation shall not be closed simply because the complaint is withdrawn or the alleged victim	Note: Policies and trainings will be assessed as part of Paragraph 177.	1. 95% of sampled investigations were not closed simply because the complaint is withdrawn or	Bi-Annually	

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	is unwilling or unable to provide additional information beyond the initial complaint, or because the complainant pled guilty or was found guilty of an offense.	1. Content analysis of a random sample* of closed SARP investigations to determine whether they comply with this Paragraph.	the alleged victim is unwilling or unable to provide additional information beyond the initial complaint, or because the complainant pled guilty or was found guilty of an offense.		
188	The misconduct investigator shall explicitly identify and recommend one of the following dispositions for each allegation of misconduct in an administrative investigation: a) “Unfounded,” where the investigation determines by clear and convincing evidence that the alleged misconduct did not occur or did not involve the subject officer; b) “Sustained,” where the investigation determines, by a preponderance of the evidence, that the alleged misconduct did occur; c) “Not Sustained,” where the investigation is unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred; or	Note: Policies and trainings will be assessed as part of Paragraph 177. 1. Content analysis of a random sample* of closed SARP investigations to determine whether they comply with this Paragraph.	1. Misconduct investigators identify and recommend one of the listed dispositions for each allegation of misconduct in an administrative investigation.	Bi-Annually	

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	d) "Exonerated," where the investigation determines by clear and convincing evidence that the alleged conduct did occur but did not violate PRPD policies, procedures, or training.				
189	The unit commander of the investigating supervisor shall review the supervisor's recommended disposition and accept, reject, or modify it. The unit commander shall document rejected or modified recommendations from supervisors in writing. Supervisory investigation reports and all related documentation and evidence shall be provided to SPR immediately upon completion of the investigation, but no later than within three business days. SPR shall review disposition recommendations made by unit commanders to ensure that investigative standards are met. SPR shall retain misconduct investigation reports and related records.	<p>Note: Policies and trainings will be assessed as part of Paragraph 177.</p> <p>1. Document review of random sample* of investigations from the administrative complaint's division of each command area to determine whether the unit commanders of these divisions comply with the requirements of this Paragraph.</p>	<p>1. The unit commanders complied with the requirements of this Paragraph in 95% of selected investigations.</p>	Bi-Annually	

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190	The SPR commander shall review the investigator's recommended disposition and accept, reject, or modify it. The SPR commander shall document rejected or modified recommendations from investigators in writing. The Superintendent, or his or her designee(s), shall review the SPR commander's recommended disposition and accept, reject, or modify it. The Superintendent, or his or her designee(s), shall document rejected or modified recommendations from SPR.	Note: Policies and trainings will be assessed as part of Paragraph 177. 1. Document review of a random sample* of SARP investigations and related data and/or dashboards to determine whether SARP commanders and the Commissioner oversee the adjudication of SARP investigations as required by the paragraph.	1a. The SARP commander reviews and resolves the complaint in accordance with the paragraph in 95% of selected investigations. 1b. The Commissioner reviews and resolves the complaint in accordance with the paragraph in 95% of selected investigations.	Bi-Annually	
191	In addition to determining whether the officer committed the alleged misconduct, administrative investigations shall assess and document whether: (a) the action was in compliance with training and legal standards; (b) the use of different procedures should or could have been employed to achieve a potentially better outcome; (c) the incident indicates a need for additional training, counseling or other	This Paragraph will be assessed with Paragraph 178.		Bi-Annually	

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	non-punitive corrective action; and (d) the incident suggests that PRPD should revise its policies, strategies, tactics, or training. This information shall be shared with the relevant commander(s).				
192	Each misconduct complainant will be notified in writing regarding the initiation of an investigation, the final disposition of the investigation, any disciplinary or non-punitive action taken, and the right to seek further review of the final disposition under applicable law. If an investigation goes beyond the 90 day limit, the complainant will be notified that an extension has been granted. PRPD shall establish procedures for complainants dissatisfied with the outcome to discuss their concerns with SPR commanders.	<p>Note: Policies and trainings will be assessed as part of Paragraph 177.</p> <ol style="list-style-type: none"> 1. Document review of a random sample* of misconduct investigations and related data and/or dashboards to determine whether complainants were notified about the status of the investigation and outcome as required by approved policies. 2. Document review of a random sample* of closed misconduct investigations and related data and/or dashboards to determine whether complainants are given the opportunity to appeal the determination pursuant to Puerto Rico law. 	<ol style="list-style-type: none"> 1. Complainants are notified about the status of the investigation and outcome in accordance with approved policies in 95% of selected investigations. 2. Complainants are given the opportunity to appeal the determination before the Investigation, Processing and Appeals Commission. 	Bi-Annually	

Para.	Agreement Paragraph Text	Data Sources and Evaluation Methods	Compliance Targets/Thresholds	Monitoring Frequency	Staffing or IST
193	SPR shall retain all misconduct investigation records for at least five years after the officer's separation from the agency. This obligation shall apply to records regarding officers' credibility that come to the attention of SPR and that may be subject to disclosure under <i>Brady v. Maryland</i> , 373 U.S. 83 (1963), and its progeny.	<p>Note: Policies and trainings will be assessed as part of Paragraph 177.</p> <p>1. Document review of a random sample* of SARP investigation files related to officers separated from PRPB in the last five years to determine file retention practices.</p> <p>2. Interview with relevant PRPB personnel to determine document retention protocols for misconduct investigation records.</p>	<p>1. SARP retains at least 95% of investigation files for persons who have separated from PRPB less than five years ago.</p> <p>2. PRPB's document retention practices comply with approved policies.</p>	Bi-Annually	IST
E. <u>Staffing, Selection, and Training Requirements</u>					
194	PRPD shall ensure that a sufficient number of well-trained staff are assigned and available to thoroughly complete and review misconduct investigations in a timely manner and in accordance with the requirements of this	<p>1. Content analysis of policies related to the internal investigation unit to determine they incorporate the requirements of Paragraphs 194-196.</p> <p>2. Content analysis of training for members of the internal investigation unit to evaluate</p>	<p>1. Policies incorporate all the requirements of Paragraphs 177-193.</p> <p>2. Trainings for the internal investigation unit are</p>	Annually as to Data Sources #1 and #2. Bi-Annually as to all other Data Sources.	Staffing

Para.	Agreement Paragraph Text	Data Sources and Evaluation Methods	Compliance Targets/Thresholds	Monitoring Frequency	Staffing or IST
	Agreement. PRPD further shall ensure it provides sufficient resources and equipment to conduct adequate criminal and administrative misconduct investigations.	<p>quality and content in accordance with approved policies.</p> <p>3. Document review at least every six months to determine whether the internal investigation unit personnel are trained and certified. Review of PRPB personnel files to determine whether certifications validate training records.</p> <p>4. Interview with IT and SARP personnel and document review of approved staffing studies and plans to determine what resources and equipment the internal investigation unit has and needs to conduct investigations.</p> <p>5. Document review of personnel records of members of the internal investigation unit to determine qualifications to serve.</p>	<p>consistent with approved policies.</p> <p>3. All internal investigation unit personnel are trained and certified in relevant policies (or scheduled for training, in the case of mid-year reviews).</p> <p>4. The internal investigation unit has sufficient resources and equipment, or is in the process of procuring needed resources and equipment.</p> <p>5a. Internal investigation unit personnel serve three-year terms.</p> <p>5b. Retained internal investigation unit personnel have demonstrated effective performance.</p>		
195	PRPD shall establish a term of duty of up to three years for SPR officers and supervisors who conduct investigations and	This Paragraph will be assessed with Paragraph 194.			

Para.	Agreement Paragraph Text	Data Sources and Evaluation Methods	Compliance Targets/Thresholds	Monitoring Frequency	Staffing or IST
	may reappoint an officer to successive terms of duty if that officer has demonstrated effective performance based on an appropriate annual performance evaluation.				
196	All SPR personnel conducting officer misconduct investigations shall receive at least 40 hours of initial training in conducting officer misconduct investigations and shall receive additional in-service training each year.	This Paragraph will be assessed with Paragraph 194.			
F. <u>Preventing Retaliation</u>					
197	PRPD policy shall expressly prohibit all forms of retaliation, whether subtle or direct, including discouragement, intimidation, coercion, duty-station reassignment, or adverse action, against any person, civilian or officer, who reports misconduct, makes a misconduct complaint, or cooperates with an investigation of misconduct. Retaliation shall be considered a serious policy violation and shall subject an officer to	<p>1. Content analysis of policies related to retaliation to determine whether they incorporate the requirements of this Paragraph.</p> <p>2. Content analysis of training on retaliation to evaluate quality and content in accordance with approved policies.</p> <p>3. Document review at least every six months to determine whether all PRPB personnel are trained and certified. Review a random sample* of PRPB personnel files</p>	<p>1. Policies incorporate all the requirements of this Paragraph.</p> <p>2. Retaliation trainings are consistent with approved policies.</p> <p>3. 95% of sampled personnel are trained and certified in retaliation policies (or scheduled for training, in the case of mid-year reviews).</p>	Annually as to Data Sources #1 and #2. Bi-Annually as to all other Data Sources.	

Para.	Agreement Paragraph Text	Data Sources and Evaluation Methods	Compliance Targets/Thresholds	Monitoring Frequency	Staffing or IST
	serious disciplinary action, up to and including termination.	<p>to determine whether certifications validate training records.</p> <p>4. Document review of a random sample* of complaints involving alleged retaliation to determine whether the complaints were investigated and adjudicated in accordance with approved policies and agency standards.</p> <p>5. Structured interview with a random sample* of PRPB personnel to determine whether retaliation for participating in an investigation of misconduct is not tolerated.</p>	<p>4. Complaints involving alleged retaliation are investigated and adjudicated in accordance with approved policies and agency standards in 95% of selected complaints.</p> <p>5. 95% of interviewed personnel perceive retaliation for participating in an investigation of misconduct is not tolerated and leads to serious disciplinary action.</p>		
G. <u>Discipline</u>					
198	PRPD shall ensure that discipline for sustained allegations of misconduct is fair, consistent, based on the nature of the allegation, and that mitigating and aggravating factors are set out and applied consistently. Discipline shall be based on objective criteria and shall not depend on or be influenced by rank or external considerations.	<p>1. Content analysis of policies related to discipline to determine they incorporate the requirements of Paragraphs 198-199.</p> <p>2. Content analysis of training on discipline to evaluate quality and content in accordance with approved policies.</p> <p>3. Document review at least every six months to determine whether</p>	<p>1. Policies incorporate all the requirements of Paragraphs 198-199.</p> <p>2. Discipline trainings are consistent with approved policies.</p> <p>3. 95% of sampled personnel are trained and certified in</p>	Annually as to Data Sources #1 and #2. Bi-Annually as to all other Data Sources.	

Para.	Agreement Paragraph Text	Data Sources and Evaluation Methods	Compliance Targets/Thresholds	Monitoring Frequency	Staffing or IST
		<p>all PRPB personnel are trained and certified. Review a random sample* of PRPB personnel files to determine whether certifications validate training records.</p> <p>4. Document review of a random sample* of sustained misconduct complaints to determine whether discipline is taken and documented in accordance with approved policies.</p> <p>5. Content analysis of PRPB's disciplinary matrix to determine whether it is objective and complies with the requirements of Paragraphs 198-199.</p>	<p>discipline policies (or scheduled for training, in the case of mid-year reviews).</p> <p>4. Discipline is taken and documented in response to sustained misconduct complaints in accordance with approved policies in 95% of selected complaints.</p> <p>5. Disciplinary matrix employs objective criteria to apply to sustained findings to assess the appropriate level of discipline.</p>		
199	PRPD shall establish a disciplinary matrix for reviewing sustained findings and assessing the appropriate level of discipline to facilitate consistency in the imposition of discipline. All disciplinary decisions shall be documented, including the rationale behind any decision to deviate from the level of discipline set out in the disciplinary procedures.	This Paragraph will be assessed with Paragraphs 198.			

Para.	Agreement Paragraph Text	Data Sources and Evaluation Methods	Compliance Targets/Thresholds	Monitoring Frequency	Staffing or IST
200	PRPD shall review its drug testing program on an ongoing basis to ensure that pre-service testing for new officers and random testing for existing officers is reliable and valid. The program shall be designed to detect use of banned or illegal substances, including steroids.	<p>1. Content analysis of policies related to PRPB's drug testing program to determine whether they incorporate the requirements of this Paragraph.</p> <p>2. Content analysis of training on drug testing program to evaluate quality and content in accordance with approved policies.</p> <p>3. Document review at least every six months to determine whether relevant PRPB personnel are trained and certified. Review of PRPB personnel files to determine whether certifications validate training records.</p> <p>4. Document review of documents related to personnel drug tests to determine whether tests are reliable, producing valid results, and implemented in accordance with this Paragraph.</p>	<p>1. Policies incorporate all the requirements of this Paragraph.</p> <p>2. PRPB's drug testing program trainings are consistent with approved policies.</p> <p>3. 95% of sampled personnel are trained and certified in PRPB's drug testing program policies (or scheduled for training, in the case of mid-year reviews).</p> <p>4. Drug tests are reliable, valid, and administered to new officers and a random selection of existing officers in accordance with the Paragraph.</p>	Annually as to Data Sources #1 and #2. Bi-Annually as to all other Data Sources.	
H. Officer Assistance and Support					
201	PRPD shall provide officers and employees with a range of non-punitive supports and services to address and correct	1. Content analysis of policies related to officer assistance and support to determine they	1. Policies incorporate all the requirements of Paragraphs 201-204.	Annually as to Data Sources #1 and #2. Bi-Annually	

Para.	Agreement Paragraph Text	Data Sources and Evaluation Methods	Compliance Targets/Thresholds	Monitoring Frequency	Staffing or IST
	problem behavior, as part of PRPD's disciplinary and performance improvement systems. These supports and services shall include a comprehensive range of mental health services that include, but are not limited to: readily accessible confidential counseling services; critical incident debriefings and crisis counseling; mental health evaluations; and stress management training that comport with generally accepted practices.	<p>incorporate the requirements of Paragraphs 201-204.</p> <p>2. Content analysis of training on officer assistance and support to evaluate quality and content in accordance with approved policies.</p> <p>3. Document review at least every six months to determine whether relevant PRPB personnel are trained and certified. Review a random sample* of PRPB personnel files to determine whether certifications validate training records.</p> <p>4. Document review of PRPB's officer assistance program to determine the range and quality of services available to officers as required by approved policies.</p> <p>5. Document review and interviews of relevant personnel to determine whether mental health professionals are involved in developing and providing in-service training on mental health stressors and services.</p>	<p>2. Officer assistance and support trainings are consistent with approved policies.</p> <p>3. 95% of sampled personnel are trained and certified in officer assistance and support policies (or scheduled for training, in the case of mid-year reviews).</p> <p>4. A variety of non-punitive supports and services that comport with generally accepted practices are available to officers and their families as required by approved policies.</p> <p>5. Mental health professionals are involved in developing and providing in-service training on mental health stressors related to law enforcement and the mental health services available to officers and their families.</p>	as to all other Data Sources.	

Para.	Agreement Paragraph Text	Data Sources and Evaluation Methods	Compliance Targets/Thresholds	Monitoring Frequency	Staffing or IST
		6. Document review and interviews with relevant personnel to determine whether mental health counseling services that are provided to PRPB employees are confidential in accordance with generally accepted practices in the field of mental health care.	6. Mental health counseling provided to PRPB employees is confidential, pursuant to approved policies.		
202	PRPD shall train management and supervisory personnel in officer support services protocols to ensure wide availability and use of officer support services.	This Paragraph will be assessed with Paragraphs 201.			
203	PRPD shall involve mental health professionals in developing and providing in-service training on mental health stressors related to law enforcement and the mental health services available to officers and their families.	This Paragraph will be assessed with Paragraphs 201.			
204	PRPD shall ensure that any mental health counseling services provided to PRPD employees remain confidential as consistent with generally accepted practices in the field of mental health care.	This Paragraph will be assessed with Paragraphs 201.			

*Denotes a randomized sample obtained through [20%] of the population/universe to be studied. Randomization minimizes sampling errors while ensuring equal representation of all variables. Percentages for training compliance will be based on the number of officers who are eligible for training.

Note: when referencing a “content analysis” of training, the monitor may conduct random and unannounced site visits to the Police Academy and/or training sites, which will allow for the review of the training content, delivery of materials, and learning process as a whole. Content analyses of policies and training will be based on applicable law and generally accepted policing practices.